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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,861

12/27/2001

Robert E. Beach

SYM-5 Cont.

9518

1473

7590

11/02/2004

FISH & NEAVE LLP

1251 AVENUE OF THE AMERICAS

50TH FLOOR

NEW YORK, NY 10020-1105

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,861

Applicant(s)

BEACH ET AL.

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 24-37 are objected to because of the following informalities and it suggested to applicant :

In claim 24 line 8 insert "said" before –communications packet-.

In claim 25 line 8 insert "said" before –communications-.

In claim 26 line 7 replace "a' with –another-..

In claim 32 line 7 replace "a" with –another-.

In claim 34 line 1 replace "a' with –said-, in line 2 replace "a' with –said another-.

In claim 37 line 1 replace "a' with –said-, in line 2 replace "a' with –said another-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 26-37 rejected under 35 U.S.C. 102(a) as being anticipated by Diepstraten.

Art Unit: 2661

US patent No. 5,329,531 (Diepstraten et al) discloses a method fo accessing a communication medium, comprising a transmitter configured to use a contention window of a first duration for transmitting packets that are voice communications (col 2 lines 56-60) , use a contention window that is different from said first duration (col 6 lines 54-67) for transmitting other packets (Figs. 7A, 7B, 10 A -10C, col 2 lines 35-47, col 5 lines 6-16) , as in claims 26 , 32, 34, 35; wherein the first duration is shorter that the second duration, as in claim 27 (col 5 lines 6-16) ; said transmitter is an access point of said system (col 3 lines 65-67) , as in claim 28; said transmitter is a remote terminal of said system (Figs. 10d, 10e, col 4 lines 1-6), as in claim 29; said transmitter configured to prioritize packets for transmission based at least partly on whether each packet contains information indicating that the packet is for voice communications, anticipated by given higher priority to isochronous (voice) packets (col 7 lines 31-37), as in claims 30 and 36; said transmitter is an access point for use in said system configured to prioritize packets that are for transmission to each mobile unit, (Figs, 10 a, 10b , 10 c, col 3 lines 65-67) as in claims 31 and 37.

Allowable Subject Matter

3. Claims 24 and 25 would be allowable if rewritten to overcome objection to claims under 37 CFR 1.75.

Conclusion

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

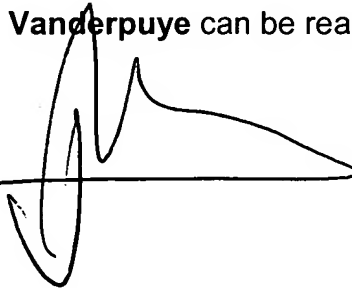
Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** can be reached on (571) 272-3078.

October 28, 2004

Ricardo M. Pizarro

A handwritten signature in black ink, appearing to be "Ricardo M. Pizarro", written over a horizontal line. The signature is stylized with a large, looped initial 'R' and a long, sweeping horizontal stroke.